



General Assembly

February Session, 2014

***Raised Bill No. 259***

LCO No. 1570



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE RECOMMENDATIONS OF THE  
CONNECTICUT SENTENCING COMMISSION REGARDING THE  
ENHANCED PENALTY FOR THE SALE OR POSSESSION OF DRUGS  
NEAR SCHOOLS, DAY CARE CENTERS AND PUBLIC HOUSING  
PROJECTS.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 21a-267 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) No person shall use or possess with intent to use drug  
4 paraphernalia, as defined in subdivision (20) of section 21a-240, to  
5 plant, propagate, cultivate, grow, harvest, manufacture, compound,  
6 convert, produce, process, prepare, test, analyze, pack, repack, store,  
7 contain or conceal, or to ingest, inhale or otherwise introduce into the  
8 human body, any controlled substance, as defined in subdivision (9) of  
9 section 21a-240, other than a cannabis-type substance in a quantity of  
10 less than one-half ounce. Any person who violates any provision of  
11 this subsection shall be guilty of a class C misdemeanor.

12 (b) No person shall deliver, possess with intent to deliver or  
13 manufacture with intent to deliver drug paraphernalia knowing, or

14 under circumstances where one reasonably should know, that it will  
 15 be used to plant, propagate, cultivate, grow, harvest, manufacture,  
 16 compound, convert, produce, process, prepare, test, analyze, pack,  
 17 repack, store, contain or conceal, or to ingest, inhale or otherwise  
 18 introduce into the human body, any controlled substance, other than a  
 19 cannabis-type substance in a quantity of less than one-half ounce. Any  
 20 person who violates any provision of this subsection shall be guilty of  
 21 a class A misdemeanor.

22 (c) Any person who violates subsection (a) or (b) of this section (1)  
 23 with intent to commit such violation in or on [, or within one thousand  
 24 five hundred feet of,] a specific location, (2) which location the trier of  
 25 fact determines is the real property comprising a public or private  
 26 elementary or secondary school or within two hundred feet of the  
 27 perimeter of the real property comprising a public or private  
 28 elementary or secondary school, and (3) who is not enrolled as a  
 29 student in such school, shall be imprisoned for a term of one year  
 30 which shall not be suspended and shall be in addition and consecutive  
 31 to any term of imprisonment imposed for violation of subsection (a) or  
 32 (b) of this section.

33 (d) No person shall (1) use or possess with intent to use drug  
 34 paraphernalia to plant, propagate, cultivate, grow, harvest,  
 35 manufacture, compound, convert, produce, process, prepare, test,  
 36 analyze, pack, repack, store, contain or conceal, or to ingest, inhale or  
 37 otherwise introduce into the human body, less than one-half ounce of a  
 38 cannabis-type substance, or (2) deliver, possess with intent to deliver  
 39 or manufacture with intent to deliver drug paraphernalia knowing, or  
 40 under circumstances where one reasonably should know, that it will  
 41 be used to plant, propagate, cultivate, grow, harvest, manufacture,  
 42 compound, convert, produce, process, prepare, test, analyze, pack,  
 43 repack, store, contain or conceal, or to ingest, inhale or otherwise  
 44 introduce into the human body, less than one-half ounce of a cannabis-  
 45 type substance. Any person who violates any provision of this  
 46 subsection shall have committed an infraction.

47 (e) The provisions of subsection (a) of this section shall not apply to  
 48 any person (1) who in good faith, seeks medical assistance for another  
 49 person who such person reasonably believes is experiencing an  
 50 overdose from the ingestion, inhalation or injection of intoxicating  
 51 liquor or any drug or substance, (2) for whom another person, in good  
 52 faith, seeks medical assistance, reasonably believing such person is  
 53 experiencing an overdose from the ingestion, inhalation or injection of  
 54 intoxicating liquor or any drug or substance, or (3) who reasonably  
 55 believes he or she is experiencing an overdose from the ingestion,  
 56 inhalation or injection of intoxicating liquor or any drug or substance  
 57 and, in good faith, seeks medical assistance for himself or herself, if  
 58 evidence of the use or possession of drug paraphernalia in violation of  
 59 said subsection was obtained as a result of the seeking of such medical  
 60 assistance. For the purposes of this subsection, "good faith" does not  
 61 include seeking medical assistance during the course of the execution  
 62 of an arrest warrant or search warrant or a lawful search.

63 Sec. 2. Section 21a-278a of the general statutes is repealed and the  
 64 following is substituted in lieu thereof (*Effective October 1, 2014*):

65 (a) Any person eighteen years of age or older who violates section  
 66 21a-277 or 21a-278, and who is not, at the time of such action, a drug-  
 67 dependent person, by distributing, selling, prescribing, dispensing,  
 68 offering, giving or administering any controlled substance to another  
 69 person who is under eighteen years of age and is at least two years  
 70 younger than such person who is in violation of section 21a-277 or 21a-  
 71 278, shall be imprisoned for a term of two years, which shall not be  
 72 suspended and shall be in addition and consecutive to any term of  
 73 imprisonment imposed for violation of section 21a-277 or 21a-278.

74 (b) Any person who violates section 21a-277 or 21a-278 by  
 75 manufacturing, distributing, selling, prescribing, dispensing,  
 76 compounding, transporting with the intent to sell or dispense,  
 77 possessing with the intent to sell or dispense, offering, giving or  
 78 administering to another person any controlled substance (1) with  
 79 intent to commit such violation in or on [, or within one thousand five

80 hundred feet of,] a specific location, and (2) which specific location the  
 81 trier of fact determines is (A) the real property comprising (i) a public  
 82 or private elementary or secondary school, (ii) a public housing  
 83 project, or (iii) a licensed child day care center, as defined in section  
 84 19a-77, that is identified as a child day care center by a sign posted in a  
 85 conspicuous place, or (B) within two hundred feet of the perimeter of  
 86 the real property comprising such public or private elementary or  
 87 secondary school, public housing project or licensed child day care  
 88 center, shall be imprisoned for a term of three years, which shall not be  
 89 suspended and shall be in addition and consecutive to any term of  
 90 imprisonment imposed for violation of section 21a-277 or 21a-278. To  
 91 constitute a violation of this subsection, an act of transporting or  
 92 possessing a controlled substance shall be with intent to sell or  
 93 dispense in or on, or within [one thousand five] two hundred feet of  
 94 the perimeter of, the real property comprising a public or private  
 95 elementary or secondary school, a public housing project or a licensed  
 96 child day care center, as defined in section 19a-77, that is identified as a  
 97 child day care center by a sign posted in a conspicuous place. For the  
 98 purposes of this subsection, "public housing project" means dwelling  
 99 accommodations operated as a state or federally subsidized  
 100 multifamily housing project by a housing authority, nonprofit  
 101 corporation or municipal developer, as defined in section 8-39,  
 102 pursuant to chapter 128 or by the Connecticut Housing Authority  
 103 pursuant to chapter 129.

104 (c) Any person who employs, hires, uses, persuades, induces,  
 105 entices or coerces a person under eighteen years of age to violate  
 106 section 21a-277 or 21a-278 shall be imprisoned for a term of three  
 107 years, which shall not be suspended and shall be in addition and  
 108 consecutive to any term of imprisonment imposed for violation of  
 109 section 21a-277 or 21a-278.

110 Sec. 3. Section 21a-279 of the 2014 supplement to the general statutes  
 111 is repealed and the following is substituted in lieu thereof (*Effective*  
 112 *October 1, 2014*):

113 (a) Any person who possesses or has under his control any quantity  
 114 of any narcotic substance, except as authorized in this chapter, for a  
 115 first offense, may be imprisoned not more than seven years or be fined  
 116 not more than fifty thousand dollars, or be both fined and imprisoned;  
 117 and for a second offense, may be imprisoned not more than fifteen  
 118 years or be fined not more than one hundred thousand dollars, or be  
 119 both fined and imprisoned; and for any subsequent offense, may be  
 120 imprisoned not more than twenty-five years or be fined not more than  
 121 two hundred fifty thousand dollars, or be both fined and imprisoned.

122 (b) Any person who possesses or has under his control any quantity  
 123 of a hallucinogenic substance other than marijuana or four ounces or  
 124 more of a cannabis-type substance, except as authorized in this  
 125 chapter, for a first offense, shall be guilty of a class D felony, and for a  
 126 subsequent offense shall be guilty of a class C felony.

127 (c) Any person who possesses or has under his control any quantity  
 128 of any controlled substance other than a narcotic substance, or a  
 129 hallucinogenic substance other than marijuana or who possesses or has  
 130 under his control one-half ounce or more but less than four ounces of a  
 131 cannabis-type substance, except as authorized in this chapter, (1) for a  
 132 first offense, may be fined not more than one thousand dollars or be  
 133 imprisoned not more than one year, or be both fined and imprisoned;  
 134 and (2) for a subsequent offense, shall be guilty of a class D felony.

135 (d) Any person who violates subsection (a), (b) or (c) of this section  
 136 in or on, or within [one thousand five] two hundred feet of [,] the  
 137 perimeter of the real property comprising (1) a public or private  
 138 elementary or secondary school and who is not enrolled as a student in  
 139 such school, or (2) a licensed child day care center, as defined in  
 140 section 19a-77, that is identified as a child day care center by a sign  
 141 posted in a conspicuous place shall be imprisoned for a term of two  
 142 years, which shall not be suspended and shall be in addition and  
 143 consecutive to any term of imprisonment imposed for violation of  
 144 subsection (a), (b) or (c) of this section.

145 (e) As an alternative to the sentences specified in subsections (a) and  
 146 (b) and specified for a subsequent offense under subsection (c) of this  
 147 section, the court may sentence the person to the custody of the  
 148 Commissioner of Correction for an indeterminate term not to exceed  
 149 three years or the maximum term specified for the offense, whichever  
 150 is the lesser, and at any time within such indeterminate term and  
 151 without regard to any other provision of law regarding minimum term  
 152 of confinement, the Commissioner of Correction may release the  
 153 convicted person so sentenced subject to such conditions as he may  
 154 impose including, but not limited to, supervision by suitable authority.  
 155 At any time during such indeterminate term, the Commissioner of  
 156 Correction may revoke any such conditional release in his discretion  
 157 for violation of the conditions imposed and return the convicted  
 158 person to a correctional institution.

159 (f) To the extent that it is possible, medical treatment rather than  
 160 criminal sanctions shall be afforded individuals who breathe, inhale,  
 161 sniff or drink the volatile substances defined in subdivision (49) of  
 162 section 21a-240.

163 (g) The provisions of subsections (a) to (c), inclusive, of this section  
 164 shall not apply to any person (1) who in good faith, seeks medical  
 165 assistance for another person who such person reasonably believes is  
 166 experiencing an overdose from the ingestion, inhalation or injection of  
 167 intoxicating liquor or any drug or substance, (2) for whom another  
 168 person, in good faith, seeks medical assistance, reasonably believing  
 169 such person is experiencing an overdose from the ingestion, inhalation  
 170 or injection of intoxicating liquor or any drug or substance, or (3) who  
 171 reasonably believes he or she is experiencing an overdose from the  
 172 ingestion, inhalation or injection of intoxicating liquor or any drug or  
 173 substance and, in good faith, seeks medical assistance for himself or  
 174 herself, if evidence of the possession or control of a controlled  
 175 substance in violation of subsection (a), (b) or (c) of this section was  
 176 obtained as a result of the seeking of such medical assistance. For the  
 177 purposes of this subsection, "good faith" does not include seeking

178 medical assistance during the course of the execution of an arrest  
179 warrant or search warrant or a lawful search.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	21a-267
Sec. 2	<i>October 1, 2014</i>	21a-278a
Sec. 3	<i>October 1, 2014</i>	21a-279

***JUD***      *Joint Favorable*